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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,956	11/13/2001	Hans Robertsson	19391.0027	6558

7590

04/19/2004

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EXAMINER

CHENG, JOE H

ART UNIT	PAPER NUMBER
3713	13

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/914,956

Applicant(s)

ROBERTSSON ET AL.

Examiner

Joe H. Cheng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 34-61 is/are pending in the application.
- 4a) Of the above claim(s) 35,38,41 and 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34,36,37,39,40 and 43-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. In response to the Amendment filed on January 30, 2004, claims 1-33 have been cancelled and the newly added claims 34-61 are pending. In addition, the newly added claims 35, 38, 41 and 42 are directed to the nonelected Species 3-6, hence these claims are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b).

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings ***must show*** every feature of the invention ***specified in the claims***. Therefore, “a projection screen”, the “common focusing optical elements for their focusing”, “components that are mechanically attached to each other in the focal plane of the common optical system” and the “means of the same optical components” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention. The description of the claimed features of the “common focusing optical elements for their focusing”, “components that are mechanically attached to each other in the focal plane of the common optical system” and the

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“means of the same optical components” are missing, unclear and confusing. In addition, the description of references number “22” and “23” in Fig. 10 are also missing. Without a clear description of the aforementioned elements, one ordinary skill in the art cannot practice the invention without undue experimentation. ***NO NEW MATTER*** should be entered.

4. Claims 34, 36, 37, 39, 40, 43-52 and 56-61 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 48, 49, 54, 55, 57, 59 and 61 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not understood as to what the “common focusing optical elements for their focusing” (as per claim 48), “components that are mechanically attached to each other in the focal plane of the common optical system” (as per claim 49), “a wavelength converter material” (as per claim 57), “the conduct of an alignment” or “a check of the alignment” (as per claim 59), and “means of the same optical components” (as per claim 61) are being referred to. Further, claims 54 and 55 are rejected as being indefinite, because these claims are either depended on the cancelled claims 1 and 21, or claiming the structural elements of the cancelled claims 1 and 21.

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6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 34, 36, 39, 40, 43, 48-52, 56, 57 and 61 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Goda (U.S. Pat. No. 4,464,974) in view of Eichweber (U.S. Pat. No. 4,917,609). The broadly claimed structure can be interpreted as the device for the shooting simulation of sight-controlled missiles of Goda. Figs. 1 and 2 of Goda broadly discloses the alignment device and method for alignment of a weapon and a weapon simulator, and the weapon is provided with a sight (12) and the weapon simulator equipped with a first device having the laser emitter (34) for emitting an electromagnetic simulator beam exiting along

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a simulator axis (38), a second device (48) for generating an alignment beam along an alignment axis, the angle between the simulator axis and the alignment axis is zero degree and mutually parallel, means for adjustment (22) for collectively guiding the alignment axis and the simulator axis during the alignment of the simulator axis with the sight to maintain the fixed relative angular relationship between the simulator axis and the alignment axis, a reflection device having a prism (54) with a first and second reflecting surfaces arranged at an angle relative to each other than the alignment beam is deflected back to the sight with the alignment axis parallel to the simulator axis; and means for storing data (60) that has been supplied to the simulator in association with an alignment; wherein the simulator is arranged in a demountable module (see Fig. 2). It is noted that the teaching of Goda does not explicitly disclose the alignment device and the weapon simulator is mounted on the weapon (as per claim 34 and 56) and is also demountable (as per claim 21) as required. However, the teaching of Eichweber broadly discloses that such features of the alignment device and the weapon simulator is mounted on the weapon (20) and is also demountable (21, see Fig. 3) are old and well known. Hence, it would have been obvious to one of ordinary skill in the art to modify the device of Goda with the features of the mountable or demountable of the alignment device and the weapon simulator as taught by Eichweber as both Goda and Eichweber are directed to the alignment device, so as to provide the alignment beam for aiming the weapon during simulating firing.

Claims 45-47 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Goda (U.S. Pat. No. 4,464,974) in view of Eichweber (U.S. Pat. No. 4,917,609) and further in view of Parikh et al (U.S. Pat. No. 5,476,385). It is noted that the

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teachings of Goda and Eichweber do not explicitly disclose the illuminated reticle (as per claim 45) and an artificial light source (as per claim 47) as required. However, Figs. 1A-8 of Parikh et al broadly discloses that such features of guiding the artificial light source (72) to illuminate an illuminated reticle (54) in the focal plane of an optical system are old and well known. Hence, it would have been obvious to one of ordinary skill in the art to modify the device of Goda and Eichweber with the features of the illuminated reticle and an artificial light source as taught by Parikh et al as both Goda, Eichweber and Parikh et al are directed to the alignment device, so as to provide the alignment beam for aiming the weapon during simulating firing.

Claims 53 and 58-60 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Goda (U.S. Pat. No. 4,464,974) in view of Eichweber (U.S. Pat. No. 4,917,609) and further in view of Clarke (U.S. Pat. No. 4,619,616). It is noted that the teachings of Goda and Eichweber do not specifically disclose the alignment mark (as per claims 53 and 58) which is visible during every shot fired by the weapon (as per claim 60) as required. However, Figs. 1-5(b) of Clarke broadly discloses that such feature of alignment mark (34) which is visible during every shot fired by the weapon is old and well known. Hence, it would have been obvious to one of ordinary skill in the art to modify the method and device of Goda and Eichweber with the features of the alignment mark which is visible during every shot fired by the weapon as taught by Clarke as both Goda, Eichweber and Clarke are directed to the method and alignment device, so as to provide the alignment mark for guiding the user during every shot fired by the weapon.

***Allowable Subject Matter***

8. Claims 37 and 44 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Amendment***

9. Applicant's arguments with respect to the cancelled claims 1-33 and the newly added claims 34-61 have been fully considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe H. Cheng whose telephone number is (703)308-2667. The examiner can normally be reached on Mon. - Thur..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703)308-1327. The fax phone numbers for the

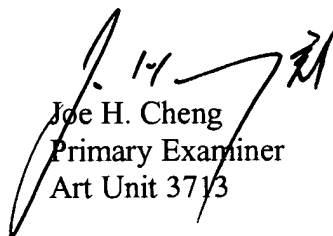


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organization where this application or proceeding is assigned are (703)872-9302 for regular communications and (703)872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

Joe H. Cheng  
April 16, 2004

  
Joe H. Cheng  
Primary Examiner  
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